

LIECHTENSTEIN 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Principality of Liechtenstein is a multiparty constitutional monarchy with a parliamentary government. The unicameral parliament (Landtag) nominates, and the monarch appoints, members of the government. Five ministers, three from the Progressive Citizens' Party and two from the Patriotic Union, formed a coalition government following free and fair parliamentary elections on February 5.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

The government took steps to prosecute officials who committed abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns. Prison and detention center conditions generally met international standards.

Physical Conditions: According to bilateral treaties with Austria and Switzerland, those two countries incarcerated Liechtensteiner prisoners sentenced to more than two years' imprisonment. The country's only prison had a 20-bed capacity (16 single and two double cells). Since the facility served primarily as a short-term prison, authorities asserted they could not always separate different categories of prisoners. Female prisoners had their own section with a total of four beds. Due to a lack of space and the generally very low number of juvenile offenders, authorities usually accommodated juveniles in the women's ward so that any underage prisoners or detainees would not be socially isolated. The Council of Europe's Committee for the Prevention of Torture (CPT) called on the government to expand the prison's range of recreational activities. The committee also criticized the lack of medical screening for newly arrived inmates.

There were no deaths in custody reported through October.

Independent Monitoring: The government permitted visits by independent human rights observers and granted access to monitor prison conditions to the independent Corrections Commission, which organized at least one unannounced visit to the country's prison each quarter. The country also in principle permitted prison visits by the CPT, which last visited the country in 2016.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The national police maintain internal security and report to the Office of Civil Defense. The country does not have an army. Civilian authorities maintained effective control over the regular and auxiliary national police, and the government had effective mechanisms to investigate and punish abuse. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

Police arrest a suspect based on an arrest warrant issued by the national court. Within 48 hours of arrest, police must bring suspects before an examining magistrate, who must either file formal charges or order the suspect's release.

Authorities respected this right. The law permits the release of suspects on personal recognizance or bail unless the examining magistrate has reason to believe that the suspect represents a danger to society or will not appear for trial. Alternatives to bail include supervision by a probation officer and restrictions on movement. The law grants suspects the right to a lawyer of their own choosing during pretrial detention, and the government provided lawyers at its own expense to indigent persons. According to the criminal procedure code, every detainee must be informed of the reasons for the detention at the time of detention or immediately thereafter. Authorities also must advise detainees of their right to contact legal counsel and a relative. During investigative detention authorities may monitor visits to prevent tampering with evidence. The CPT expressed concern that police can question juveniles and request them to sign statements in the absence of a lawyer or trusted person, and that inmates, including juveniles, could be held in solitary confinement for disciplinary reasons for up to four weeks. The committee also criticized authorities' ability to surveil conversations between detainees and their lawyers, and called on the government to re-establish a register at the police station for recording information related to a person's incarceration.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Arrested or detained persons are entitled to challenge in court the legal or arbitrary nature of their detention and obtain prompt release. The constitution provides for unlawfully detained persons and persons found innocent to appeal to the courts for compensation.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right. Defendants enjoy the presumption of innocence and the right to be informed promptly and in detail of charges. While most trials were public, some were closed proceedings. Defendants have the right to be present at their trial.

The law grants defendants the right to communicate with an attorney of their choice. The government provided attorneys at its own expense or pro bono for indigent persons. Defendants are allotted adequate time and facilities to prepare a

defense. Defendants have access to free interpretation as necessary from the moment they are charged through all appeals. Defendants may challenge witnesses and evidence and present witnesses and evidence on their own behalf. Defendants have the right not to testify or confess guilt. Convicted persons have the right to appeal, ultimately to the Supreme Court.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations through domestic courts. Individuals and organizations may appeal cases involving alleged violations of the European Convention on Human Rights to the European Court of Human Rights.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: The law prohibits public insults, including via electronic means, directed against a race, people, or ethnic group, with a possible prison sentence of up to two years for violations. Authorities did not file any charges for public insults through October.

Press and Media Freedom: Independent media were active and expressed a wide variety of views without restriction.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to data from the International Telecommunication Union, 98 percent of the country's residents used the internet as of 2016.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status. The government has established a system for providing protection to refugees, but persons entering the country from another safe country are not eligible for asylum. The law allows asylum seekers under deportation orders to request an appeal hearing within five days. On January 1, revisions to the asylum law entered into

force enabling ineligible applicants from safe countries of origin to be processed for denial of asylum within a maximum of seven days.

The nongovernmental organization (NGO) Liechtenstein Refugee Aid reported that asylum seekers' access to appropriate legal representation was inadequate, as asylum proceedings were only partially covered by legal aid. According to the NGO, the government provided legal assistance largely to asylum seekers whose applications were likely to be approved.

In some cases authorities detained unsuccessful applicants for asylum pending their deportation. Conditions of detention were generally satisfactory.

In May the government temporarily suspended admission of the remaining asylum seekers it had agreed to take in and process, due to the full occupancy of the three available refugee housing sites.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

As a hereditary monarchy, the country's line of succession is restricted to male descendants of the Liechtenstein dynasty. Prince Hans Adam II is the official head of state, although in 2004 Hereditary Prince Alois assumed the day-to-day duties of head of state, exercising the rights of office on behalf of the reigning prince. All legislation enacted by the parliament must have the concurrence of the monarch and the prime minister.

Elections and Political Participation

Recent Elections: On February 5, the country held parliamentary elections. There were no reports of serious irregularities.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented these laws effectively. Bribery in the private sector is also a criminal offense. There were no reports of government corruption during the year.

Financial Disclosure: Public officials are not subject to comprehensive financial disclosure laws.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

In June the recently established Liechtenstein Human Rights Association (LHRA) replaced three former government bodies. The LHRA is responsible for advising authorities and individuals on human rights abuses, supporting victims of human rights violations, informing the public on the country's human rights situation, carrying out human rights investigations, recommending appropriate human rights measures to authorities and individuals, and promoting dialogue as well as national and international cooperation with offices relevant to human rights. The Ombuds Office for Children and Young People also became part of the LHRA during the year. The association operated as an independent entity, and the government supported it with 350,000 Swiss francs (\$350,000) annually.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape, including spousal rape, is a criminal offense. Penalties for rape and sexual violence vary between one and 15 years' imprisonment, depending on the degree of violence and humiliation of the victim, and between 10 years' and lifetime imprisonment if the victim is killed. The government effectively prosecuted individuals accused of such crimes.

The law prohibits all forms of domestic violence and provides for restraining orders against violent family members. There were reports of violence against

women, including spousal abuse. Police may prohibit an abuser from returning to the site.

Sexual Harassment: Sexual harassment is illegal and punishable by up to six months in prison or a fine, and the government effectively enforced these prohibitions. Stalking is a criminal offense. The government also considers “mobbing”--pressure, harassment, or blackmail tactics--in the workplace to be a crime. In 2016 the national police recorded six cases of sexual harassment, and Infra assisted in eight cases of sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Women enjoy the same legal rights as men, but the government’s enforcement of the labor contract law and equal opportunity law was not entirely effective.

Children

Birth Registration: Citizenship is derived at birth from a child’s parents. Either parent may convey citizenship. A child born in the country to stateless parents may acquire citizenship after five years of residence. Children are registered at birth.

Early and Forced Marriage: The legal minimum age of marriage for both girls and boys is 18 years.

Sexual Exploitation of Children: The law prohibits the prostitution of minors. Penalties for the sexual exploitation of minors range from one to 10 years’ imprisonment. Possession or distribution of child pornography is a criminal offense, with penalties including up to three years in prison. In 2016 the national police recorded 10 cases of child sexual exploitation. The law sets the minimum age for consensual sex at 14; penalties for statutory rape are between one and 10 years’ imprisonment.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the

Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Jewish community consisted of approximately 30 individuals. There were no reports of anti-Semitic acts.

Trafficking in Persons

There were no confirmed reports during the year that Liechtenstein was a source, destination, or transit country for victims of human trafficking.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities.

The law requires public buildings constructed before 2002 to be barrier-free by 2019 and public buildings constructed between 2002 and 2007 to be barrier-free by 2027. The government effectively implemented laws and programs to ensure that persons with disabilities readily had access to buildings, information, and communications. The law mandates that public kindergartens and schools as well as public transportation systems must be accessible to persons with disabilities. Children with disabilities were able to attend public schools or a special school established by the country's remedial center. According to the Liechtenstein Association for Disabled Persons, however, only a third of all public kindergartens and schools were barrier-free.

National/Racial/Ethnic Minorities

In 2016 authorities recorded five criminal offenses under the penal code's antiracial discrimination article.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law defines discrimination based on gender and sexual orientation as a criminal offense. Laws prohibit incitement to hate and bias-motivated crimes based on an individual's gender and sexual orientation.

While the country's LGBTI community issued no formal complaints of abuse or discrimination, the country's only LGBTI organization, Flay (an NGO), continued to criticize regulations that do not allow gay men to donate blood. Many LGBTI individuals known to Flay were reluctant to acknowledge publicly their sexual orientation or gender identity due to fear of experiencing social backlash and isolation.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of all workers, including foreigners, domestic workers, agricultural workers, and public-sector employees, to form and join independent unions of their choice, to select their own union representatives freely, and to bargain collectively. There are no provisions in the constitution or in labor laws explicitly banning the right to strike, including for public servants and essential services. The law does not prohibit antiunion discrimination. The law does not require reinstatement of workers fired for union activity.

The government adequately enforced applicable laws. Penalties in the form of monetary fines were adequate to deter violations. The resources, inspections, and remediation were also adequate and sufficient to deter violations. Freedom of association and collective bargaining were respected in practice by government and employers.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties for violations include prison sentences of up to 10 years. The resources, inspections, and remediation, including penalties for violations, were adequate and sufficient to deter violations, and there were no reports that forced labor occurred in practice.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16, with exceptions for limited employment of children 14 years old. Children 14 and older may engage in certain categories of light work, including running errands, housework, and babysitting, for no more than eight hours per week during the school year and 35 hours per week during school vacations. Children aged 15 years and younger may be employed for the

purposes of cultural, artistic, sport, and advertising events. Working hours for youths between the ages of 15 and 18 who have completed compulsory education are not to exceed 40 hours a week. The labor law prohibits children under the age of 17 from working overtime and prohibits children younger than 18 from engaging in night work and Sunday shifts. The labor law stipulates that an employer must consider the health of minors and provide them a proper moral environment within the workplace; the law also stipulates that employers may not overexert minors and that employers must protect the child from “bad influences” within the workplace.

The Department for Worker Safety of the Office of the National Economy effectively enforced child labor laws and devoted adequate resources and oversight to child labor policies. Legal penalties, which take the form of monetary fines or prison sentences of up to six months, were sufficient to deter violations. There were no reports of illegal child labor.

d. Discrimination With Respect to Employment and Occupation

The law prohibits employment discrimination against men, women, persons with disabilities, race, nationality, and sexual orientation, among other characteristics.

The government’s enforcement of the law was not entirely effective. Violations may result in the award of compensation to a prospective or dismissed employee equal to at least three months’ salary. Penalties were not sufficient to deter violations. Women, particularly migrant and Muslim women wearing headscarves, experienced discrimination in the labor market.

While the law explicitly requires equal pay for equal work, women still experienced discrimination in the workplace (see also section 6, Women). According to *Infra*, a marked difference between men and women persisted in professional promotions, and women were severely underrepresented in top-level management positions in private industry and the national administration.

e. Acceptable Conditions of Work

There is no national minimum wage. The Liechtenstein Workers Association negotiates voluntary collective bargaining agreements annually with the Chamber of Commerce and the Chamber for Economic Affairs on a sector-by-sector basis. In 2016, 36 households were registered as “working poor.”

The law sets the maximum workweek at 45 hours for white-collar workers, employees of industrial firms, and sales personnel, and 48 hours for other workers. The law provides for a daily mandatory one-hour break and an 11-hour rest period between workdays for full-time workers. With few exceptions, the law does not allow work on Sunday. The law covers all professions, but some exceptions to overtime limits were authorized in the areas of nursing and medical treatment. The law requires overtime pay of at least 25 percent higher than the standard rate, and overtime is generally restricted to two hours per day. Overtime may also be compensated with additional time off. The law provides for a standard workweek, including overtime, which may not exceed an average of 48 hours a week over a period of four consecutive months. Employers must grant workers at least four weeks of paid vacation per year and at least five weeks to workers under the age of 20.

Labor laws set occupational safety and health standards, which were appropriate for the main industries in the country. Responsibility for identifying unsafe situations remains with occupational safety and health experts and not with workers. The labor standards also cover the thousands of workers who commuted daily from neighboring countries. There were additional safeguards for youths, pregnant and breastfeeding women, and employees with family duties.

The Office of Labor Inspection, a part of the Department of National Economy, is responsible for enforcing labor laws, including regulations that mandate a healthy work environment, work hours, holidays, and workplace safety, in all sectors, including the informal economy. The agency had three inspectors: one inspector for examining workplace conditions, such as wages and occupational health and safety, and two inspectors for controlling construction sites or work permits. Three inspectors were sufficient to enforce compliance with labor laws. Penalties took the form of fines and prison sentences between three and six months and were sufficient to deter violations.

There were no reports of violations of these labor laws.